

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
3/30/2021 9:53 AM
CLERK OF THE COURT
Catherine Chavez

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

No.: D-202-CV-2021-02056

MARY ANN ROWAN,

Plaintiff,

v.

SMITHS FOOD and DRUG CENTERS INC.,
and JOHN DOE,

Defendants.

COMPLAINT FOR DAMAGES FOR BODILY INJURY

Plaintiff states:

1. Plaintiff is a resident of the State of New Mexico.
2. Upon information and belief Defendant the Smiths Food and Drug Centers, Inc. (Smiths) is a corporation doing business in the State of New Mexico.
3. The incident described below occurred at the Smiths store located at 200 Tramway NE in Albuquerque, New Mexico. Defendant John Doe is the manager of the Smiths store at this location.
4. On September 26, 2018, Plaintiff was a customer at Defendant Smith's premises.
5. Defendant's had the duty to maintain the premises to prevent injuries to customers.
6. Defendant's breached their duty to maintain the aisles, exposing persons to a slip hazard.
7. Defendant's breach resulted in Plaintiff slipping and falling on ice at the freezer section of the store. An investigating employee told Plaintiff the ice was from employees loading the freezer and failing to clean it up.

EXHIBIT B

8. Plaintiff sustained injuries which have required medical treatment and the Plaintiff will incur medical expenses, has endured pain and suffering of a mental and physical nature, and has been unable to engage in normal family, social, or recreation, and household services and activities, which damages will continue into the future.

WHEREFORE, Plaintiff prays for Judgment against the Defendants for compensatory damages plus the cost of this action and whatever additional relief the Court may deem just and proper.

GARCIA LAW OFFICE

By: /s/ Narciso Garcia, Jr.
NARCISO GARCIA, JR., LLC
Attorney for Plaintiff
2033 San Mateo Blvd., N.E.
Albuquerque, New Mexico 87110
(505)265-5010
narcisolaw@aol.com